

ASSEMBLY BILL

No. 1652

Introduced by Assembly Member Ammiano

February 11, 2014

An act to amend Section 2933.6 of, and to add Chapter 18 (commencing with Section 7455) to Title 7 of Part 3 of, the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 1652, as introduced, Ammiano. Inmates: prison gangs.

Existing law requires a prisoner of the Department of Corrections and Rehabilitation to be awarded credit reductions from his or her term of confinement of 6 months for every 6 months of continuous confinement, as specified. Existing law provides for up to 6 weeks of additional credit in a 12-month period for the successful completion of certain rehabilitative programs, as specified. Existing law makes a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit for specified misconduct, or upon validation as a prison gang member or associate, ineligible to earn credits pursuant to these provisions.

This bill would remove the provision making a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit upon validation as a prison gang member or associate ineligible to receive the above-specified credits.

This bill would require that an inmate assigned to a Security Housing Unit as a validated member, associate, or affiliate of a gang or security

threat group receive a determinate term of not more than 36 months if the assignment is based solely on that status.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2933.6 of the Penal Code is amended to
2 read:

3 2933.6. (a) Notwithstanding any other law, a person who is
4 placed in a Security Housing Unit, Psychiatric Services Unit,
5 Behavioral Management Unit, or an Administrative Segregation
6 Unit for misconduct described in subdivision (b) ~~or upon validation~~
7 ~~as a prison gang member or associate~~ is ineligible to earn credits
8 pursuant to Section 2933 or 2933.05 during the time he or she is
9 in the Security Housing Unit, Psychiatric Services Unit, Behavioral
10 Management Unit, or the Administrative Segregation Unit for that
11 misconduct.

12 (b) This section applies to the following offenses:

13 (1) Murder, attempted murder, and solicitation of murder. For
14 purposes of this paragraph, solicitation of murder shall be proven
15 by the testimony of two witnesses, or of one witness and
16 corroborating circumstances.

17 (2) Manslaughter.

18 (3) Assault or battery causing serious bodily injury.

19 (4) Assault or battery on a peace officer or other nonprisoner
20 which results in physical injury.

21 (5) Assault with a deadly weapon or caustic substance.

22 (6) Rape, attempted rape, sodomy, attempted sodomy, oral
23 copulation, or attempted oral copulation accomplished against the
24 victim's will.

25 (7) Taking a hostage.

26 (8) Escape or attempted escape with force or violence.

27 (9) Escape from any departmental prison or institution other
28 than a camp or reentry facility.

29 (10) Possession or manufacture of a deadly weapon or explosive
30 device.

31 (11) Arson involving damage to a structure.

32 (12) Possession of flammable, explosive material with intent to
33 burn any structure or property.

1 (13) Solicitation of assault with a deadly weapon or assault by
2 means of force likely to produce great bodily injury, arson, or a
3 forcible sex act.

4 (14) Intentional destruction of state property in excess of four
5 hundred dollars (\$400) during a riot or disturbance.

6 (c) This section does not apply if the administrative finding of
7 the misconduct is overturned or if the person is criminally
8 prosecuted for the misconduct and is found not guilty.

9 SEC. 2. Chapter 18 (commencing with Section 7455) is added
10 to Title 7 of Part 3 of the Penal Code, to read:

11
12 CHAPTER 18. SECURITY HOUSING UNIT
13

14 7455. An inmate assigned to a Security Housing Unit as a
15 validated member, associate, or affiliate of a gang or security threat
16 group shall receive a determinate term in the Security Housing
17 Unit of not more than 36 months if the assignment is based solely
18 on that status.